IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.4317 OF 2005

Namita R. Shah ...Applicant
Vs.
The State of Maharashtra ...Respondent

Shri. M.D. Patel for the Applicant.
Ms Rajshree Gadhvi, A.P.P. for the Respondent.

CORAM : A.S.OKA, J.
DATED : JULY 22, 2005.

P.C.:

1. C.R. No. I 153 of 2005 has been registered at the instance of the one Manohar Kadam alleging the commission of offence punishable under sections 420, 465, 467, 468, 471, 472 read with section 34 of the Indian Penal Code. Application for bail made by the Applicant has been rejected by the Sessions Court.

2. The learned Counsel appearing for the Applicant submitted that the Applicant is in custody from 10th June, 2005. He pointed out that the Applicant is a twenty three years old woman. He submitted that investigation in so far as the Applicant is concerned is over and her presence in the custody is not required. He submitted that even the father of the Applicant is in custody and there is no one to make arrangements for defending the Applicant. He submitted that out of the total amount allegedly misappropriated a sum of Rs.50,00,000/- has been refunded to the concerned persons.

3. The learned A.P.P. has pointed out the various documents relating investigation and submitted that investigation is still in progress and

considering the nature of the offence, Applicant cannot be enlarged on bail pending the completion of investigation.

4. I have considered the submissions. The case of the prosecution is that the accused collected about five to six crores by cheating large number of persons by promising them to give employment in Railway Department. The case of the prosecution is that amounts are taken by the Accused from individuals as well as through agents who in turn collected the amounts from different persons. Perusal of the investigation papers show that the Applicant seems to have taken part alongwith her father. Investigation reveals that the Applicant obtained a bogus driving licence in the name of Smita B. Patel and the Applicant opened a bank account with a bank possing herself to be one Smita B. Patel. According to the prosecution, out of the sum of rupees more than four crores involved only a sum of Rs.50,00,000/- has been paid to the agents. Considering the fact that offence relates to large number of persons, if the Applicant is enlarged on bail even before the completion of investigation, it will affect the investigation. Considering the gravity of allegations, this is not a case where bail can be granted even before completion of investigation. There is no merit in the Application and same is rejected.

JUDGE